IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 543 of 2006.

Date of Decision: 1st September, 2006.

Om Parkash .. Petitioner.

Versus

State of HP & Others .. Respondents.

Coram

The Hon'ble Mr. Justice V.K. Gupta, Chief Justice.

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr. Vishal Mohan, Advocate.

For respondent No.1: Mr. M.S. Chandel, Advocate General with Mr. J.K. Verma, Deputy Advocate General. for respondent No.1.

For respondents No.2 and 3: Mr. Sandeep Sharma, Assistant Solicitor General of India.

V.K. Gupta, C.J. (Oral)

After hearing the learned Counsel for the petitioner and Mr. M.S. Chandel, learned Advocate General as well as Mr. Sandeep Sharma, learned Assistant Solicitor General of India, we feel and find that there is no merit in this petition because the petitioner has not produced before us or shown to us any material from any official agency, or from any inquiry, or investigation report whereby it can be suggested or inferred that respondents No.4 to 8 have committed any act of misconduct or any act of omission or commission warranting any action against them either under the criminal law or otherwise.

Alongwith the writ petition the petitioner has enclosed the photocopies of some press reports such as a report published in *Punjab Kesri* on

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[1] Whether the reporters of Local Papers may be allowed to see the judgment?

12th April, 2006, a report published in "*Shail"* in its issue of 3-10 April 2006 and few other reports published in the same newspaper in its issues of other dates. The petitioner has also relied upon a stated communication purported to be dated 30th March, 1989 from the Director General of Police, Himachal Pradesh addressed to the Principal Secretary to the Chief Minister, Himachal Pradesh which has been published in the weekly *"Shail"* in its issue of 2-9 January, 2006. Apart from the aforesaid documents, there is no other document annexed with the writ petition. When we carefully went through the aforesaid news items and the aforesaid stated communication allegedly dated 30th March, 1989 we found that even these documents do not name respondents No.4 to 8 in any manner, directly or indirectly linking them with committing any act of omission or commission which may amount to either an offence or a misconduct. Not only that, even these documents do not suggest directly or indirectly that these respondents have been indicted by any official agency or in any inquiry or investigation.

When admittedly there is no evidence or proof at all, what to speak of any prima facie evidence or proof, about respondents No.4 to 8 having been involved in committing any irregularity or illegality, we cannot persuade ourselves to entertain this petition because we feel that doing so even for the purpose of admission may cause undue prejudice or hardship to respondents No.4 to 8.

The petition is dismissed in limine.

CMPs No. 910, 911 and 1105 of 2006.

Infructuous.

(V.K. Gupta),
Chief Justice.

September 1, 2006.
(rc)

(Surjit Singh),
Judge.